

AMENDMENT UNDER 37 C.F.R. § 1.114(c)
Application No. 10/623,658
Attorney Docket No.: Q76495

REMARKS

Claims 59-86 are all the claims pending in the application. Claims 59, 69, 77, 79, 80, 81, 85 and 86 are amended.

Specification

The title is amended as required by the Examiner.

Claim Rejections - 35 U.S.C. § 101

Claims 59-76, 79, 82, 83, 85 and 86 are rejected under 35 U.S.C. §101 as being directed to non-statutory subject matter.

Claim 59 is rejected for being directed to non-statutory subject matter because the Examiner takes the position that “locating” a fragment of metadata “does not appear to be a useful, concrete, and tangible result,” since the Examiner alleges that “[l]ocating appears to be an abstract idea.” See paragraph 9 of the final Office Action. Claim 59 is amended to make clear that the index structure is for locating and extracting a fragment of metadata. This amendment is supported at least in step S1300 of Fig. 12 and in the discussion of Fig. 13 at page 49 of the specification. It is respectfully submitted that locating and extracting a fragment of metadata produces a useful, concrete, and tangible result, and therefore claim 59 is directed to statutory subject matter.

Claims 69 and 79 are rejected under §101 “for at least the reasons set forth in claim 59.” Claims 69 and 79 are amended to recite “locating and extracting” a fragment. Accordingly, it is respectfully submitted that claims 69 and 79 are directed to statutory subject matter for at least the same reasons as claim 59, as discussed above.

Claims 85 and 86 are rejected for being directed to non-statutory subject matter because the Examiner takes the position that “specifying” a location of a fragment of metadata “does not appear

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to be a useful, concrete, and tangible result,” since the Examiner alleges that “[s]pecifying appears to be an abstract idea.” See paragraph 9 of the final Office Action. Claims 85 and 86 are amended to recite “locating and extracting a fragment.” Accordingly, it is respectfully submitted that claims 85 and 86 are directed to statutory subject matter for at least the same reasons as claim 59, as discussed above.

The remaining claims rejected under §101 are directed to statutory subject matter at least because of their dependency from an independent claim discussed above.

Claim Rejections - 35 U.S.C. § 112

Claim 64 is rejected under 35 U.S.C. § 112, second paragraph, as being indefinite. Applicant respectfully traverses the rejection.

The Examiner asserts that claim 64 is indefinite because “the parent claim makes no mention of a multi-key included within a fragment. Therefore, in line 3 of claim 64 ‘the multi-key within the fragment’ lacks antecedent basis.” It is respectfully submitted that the antecedent basis for “the multi-key within the fragment” is found within claim 64 itself and not in parent claim 59.

Claim 64 is directed to the index structure as claimed in claim 59, in which “the location information comprises location information of a fragment including the multi-key and location information of the multi-key included within the fragment.” Specifically, claim 64 states that the location information recited in claim 59 includes i) “location information of a fragment including the multi-key,” and ii) “location information of the multi-key included within the fragment.” Accordingly, the location information of clause i) is location information for the fragment that includes the multi-key as opposed to a fragment that does not include the multi-key. Hence, the

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location information of clause ii) is location information of the multi-key that is included in the fragment referenced in clause i).

Since the antecedent basis for the phrase ‘the multi-key within the fragment’ is found within claim 64 itself, it is respectfully submitted that claim 64 satisfies the requirements of 35 U.S.C. §112, second paragraph.

Claim Rejections - 35 U.S.C. § 103

Claims 59-86 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Evian (“1st Draft of Metadata Specification SP003v1.3,” XP002323574) in view of Jenkins Jr. (“Jenkins,” U.S. Patent 6,496,830).

In the final Office Action it is stated at page 5 that the suggestion to combine the teachings of Evian with the teachings of Jenkins comes from Evian disclosing that “‘a broadcaster may wish to index by title, as well as CRID...’ (emphasis added. Sec. 2.3.1).” See page 5 of the final Office Action. It is alleged that this disclosure of Evian “suggests the use of indexing by two keys (title and CRID), because the index is ‘by title, as well as CRID.’” *Id.* The Examiner asserts that “Indexing by two fields is taken to be a multi-key index, and thus Evian suggests the need for a multi-key.” *Id.*

Claim 59 is amended to state that the multi-key is a plurality of keys used simultaneously to locate and extract the fragment of metadata. This amendment is supported at least at paragraph [11] of the specification.

It is respectfully submitted that it would not have been obvious to have modified Evian based on Jenkins, as asserted in the Office Action, to achieve all the limitations of claim 59. This is because Evian’s disclosure of indexing by two keys, namely, by title and by CRID, alone or in view of Jenkins, would not have suggested to a person of ordinary skill in the art to have combined these

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keys into a multi-key to be used simultaneously to locate and extract a fragment of metadata. A

CRID is a “Content Resource IDentifier, an identifier for content that is independent of its location.”

See Metadata Specification, S-4 v1.2, Part B, SP003v1.2 PartB.doc, 2.1 Abbreviations, pg. 7, cited in

the Information Disclosure Statement submitted March 18, 2004. Evian does not teach or suggest to

a person of ordinary skill in the art, using a CRID and title of a program simultaneously to locate and

extract a fragment. Rather, Evian merely discloses two keys that can be used independently to *index*

a fragment. Evian does not teach or suggest a need to use both a CRID and a title key simultaneously

to locate a fragment. It is respectfully submitted that a person of ordinary skill in the art would not

use both of those keys at the same time to search for a fragment. As Evian states “[t]he most likely

key to use for searching this set of data is the CRID.” See Evian §2.3.1.1.1. Evian goes on to state

that “[a] broadcaster may wish to index by title, as well as CRID, to enable the receiver to search by

title.” (emphasis added). *Id.* Adding a title key, according to Evian, allows a receiver to search by

title. Evian does not teach or suggest searching by both CRID and title simultaneously. It is

respectfully submitted that if a receiver knows the CRID of a program it would not be necessary to

also search by title. Even in view of Jenkins, a person of ordinary skill would not have understood

Evian, by disclosing indexing both by CRID and title, to suggest searching by both a CRID and a

title at the same time. Rather, Evian merely states that a fragment can be indexed both by a CRID

and by a title to support searching by either index, but not by both.

Independent claims 69, 77, 79, 80, 81, 85 and 86 are amended to indicate that the components of the multi-key are used simultaneously to locate and extract a fragment of metadata. It is respectfully submitted that these claims are patentable for the reasons discussed above.

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The remaining claims are patentable at least by virtue of their dependency from the independent claims discussed above.

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

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23373

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Respectfully submitted,



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Date: January 18, 2007